

Appl. No. 10/000,228  
Response Dated November 9, 2005  
Reply to Final Office Action of September 9, 2005

### REMARKS

Claims 1-38 stand in this application. Claims 1, 12, 17, 23, 25, 27, and 35 are amended. No new matter has been entered. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Claims 1-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over USPN 6,133,904 (Tzirkel-Hancock) in view of USPN 5,884,262 (Wise). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the rejection.

Applicant respectfully submits that to properly reject a claim under 35 U.S.C. § 103(a), the Office Action must meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Claims 1-38 define over Tzirkel-Hancock in view of Wise whether taken alone or in combination. As recited above, to form a *prima facie* case of obviousness under 35

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U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See* MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 1-38.

For example, with respect to claim 1, Tzirkel-Hancock and Wise, taken alone or in combination, fail to teach or suggest a method to perform speech recognition, comprising:

communicating said speech features over said voice channel at a lower bandwidth than a bandwidth associated with said set of signals representing said speech when said subrogation indicator is detected.

Applicant submits that neither Tzirkel-Hancock nor Wise teach or fairly suggest "receiving a subrogation indicator," as recited in claim 1. Tzirkel-Hancock does teach or suggest communicating speech features over a voice channel at a lower bandwidth than a bandwidth associated with the set of signals representing the speech when the subrogation indicator is detected. Although Wise teaches that a "computer document audio access and conversion system allows a user to access information originally formatted for audio/visual interfacing on a computer network via a simple telephone," (*see* Wise Abstract), Wise does not teach or suggest communicating speech features over a voice channel at a lower bandwidth than a bandwidth associated with a set of signals representing speech when said subrogation indicator is detected. Applicant submits that Tzirkel-Hancock and Wise, taken alone or in combination, do not teach or fairly suggest that the speech features from system 200 to telephone 10 as taught by Wise (*see* Wise

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Fig. 2 and associated text) are communicated at a lower bandwidth than the communications of signals representing speech from microphone 7 to speech recognition unit 271 as taught by Tzirkel-Hancock (see Tzirkel-Hancock Fig. 36, col. 33, lines 7-12). Accordingly, Applicant respectfully submits that Tzirkel-Hancock and Wise, taken alone or in combination, fail to teach or fairly suggest each and every feature recited in claim 1. Therefore, Applicant submits that claim 1 is patentable and non-obvious over Tzirkel-Hancock in view of Wise and respectfully requests withdrawal of the obviousness rejection with respect to claim 1 and claims 2-11, which depend from claim 1.

Claims 12, 17, 23, 25, 27, and 35 have been amended in a manner similar to claim 1. Therefore, for reasons analogous to those discussed above with respect to claim 1, Applicant respectfully submit that claims 12, 17, 23, 25, 27, and 35, and all claims depending therefrom, are patentable and non-obvious over Tzirkel-Hancock in view of Wise. Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 12-38.

For at least the above reasons, Applicant submits that claims 1-38 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination,

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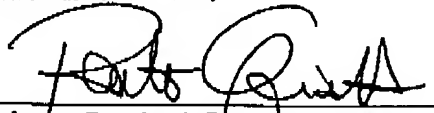
based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-38 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-9324 to discuss any matter concerning this application.

Respectfully submitted,

KACVINSKY LLC

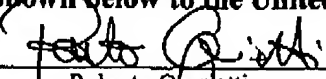
  
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Roberto Capriotti, Reg. No. 46,599  
Under 37 CFR 1.34(a)

Dated: November 9, 2005

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**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)**

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Roberto Capriotti

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